


STATE OF WISCONSIN
Department of Health and Family Services
Division of Children and Family Services

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Section Chiefs/Licensing Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Burnie Bridge 
Administrator

Re: 2005 Wisconsin Act 293: Agency Decisions Concerning Foster Homes, Appeals of
Licensing Decisions, and Persons Receiving Child Welfare Services

Governor Jim Doyle recently signed 2005 Wisconsin Act 293 into law. Act 293 makes a number of changes in Chapter 48 that are being addressed in four Info Memos. This memo addresses changes concerning:

- Jurisdiction of agency decisions concerning foster homes;
- Appeal rights for licensing decisions; and
- Notification requirements for changes in county of residence for persons receiving child welfare services.

Jurisdiction for Review of Agency Decisions

Act 293 modifies prior law relating to jurisdiction over a child placed in a foster home, treatment foster home, or group home upon the petition of an interested party to review an agency decision. Previously, the circuit court for the county where the child was **placed** had jurisdiction and was required to decide the case so as to promote the child's best interests regarding placement and care. Under Act 293 the circuit court for the county where the dispositional order placing the child in the foster, treatment foster, or group home **is entered** or a voluntary placement agreement **is made** has jurisdiction to review an agency decision or order involving the placement of the child. The petitioner must show, by clear and convincing evidence that the agency's decision or order is not in the best interest of the child.

Appeals of Licensing Decisions

Under prior law, any person aggrieved by the Department of Health and Family Service's refusal or failure to issue, renew, or continue a license had the right to an administrative hearing and to judicial review of the hearing decision. Act 293 specifically grants the right to judicial review in a contested case involving a DHFS licensing decision to *any party* in the contested case. This clarifies that agencies which are parties in the case, including the Bureau of Milwaukee Child Welfare (BMCW), have the right to judicial review of a decision by an administrative law judge.

Change in County of Residence of Child Welfare Services Clients

Under prior law no notice to a new county of residence was required when a person who was receiving child welfare services or juvenile welfare services moved to another county. Act 293 requires the Bureau of Milwaukee Child Welfare (BMCW) or county departments providing child welfare services, or juvenile welfare services, to provide notice of a change of residence to the county department of the person's new county of residence as soon as practicable after learning of the change in residence. This provision covers those persons who are receiving child welfare services under s. 48.57(1), Stats., or juvenile welfare services s. 938.57(1), Stats. Notice must be provided to BMCW if the person's new county of residence is Milwaukee County. The notice must provide a brief written description of the services offered or provided to the person by the agency and the name, telephone number, and address of a person to contact for more information.

In the near future the Division will issue specific guidance on complying with this new statutory requirement.

These changes went into effect as of April 21, 2006.

Act 293 may be found at the following web address:
<http://www.legis.state.wi.us/2005/data/acts/05Act293.pdf>

REGIONAL OFFICE CONTACT:	Area Administrator
CENTRAL OFFICE CONTACT:	Sarah Kate Johnson DHFS/DCFS/BPP P.O. Box 8916 Madison, WI 53708-8916 Phone 608/266-6874 E-Mail: johnssk@dhfs.state.wi.us

MEMO WEB SITE: http://dhfs.wisconsin.gov/dcfs_info/

Infomemo/dcfs/2005 WI act 293 agency decisions FC, appeals & CW services.doc